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June 16, 1998

Docket No. FHWA 98-3706 -- 29
Docket Clerk
US Dot Dockets
Room PL-40 1
400 Seventh Street, SW.
Washington, DC 20590-000 1

DEPT. OF TRANSPORTATION
DOCKET SECTION
98 JUN 19 AM 11:18

Good Morning Ladies and Gentlemen of the Federal Highway Administration,

Best Way Express, Inc. is a truckload carrier operating 200 tractors and employing 275 people.

This letter is a comment on Docket No. FHWA 98-3706 - supporting documents rulemaking proposal.

To begin, I applaud the Federal Highway Administration initiation in a process that allows self assessment in program design for safety management. As an industry, and partner with Government, we need these kind of initiatives as we go forward with performance based standards. The approach that you have developed where a carrier can design a self monitoring system, get pre-determined FHWA assessment of that program, and then can implement their program is commendable. A self monitoring system, if safe stat is the performance standards, is the only model to use as a long range implementation plan.

However, I have some concerns with the details.

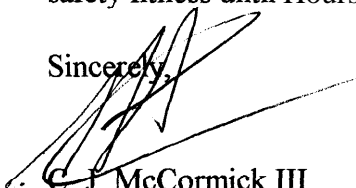
First, I strongly believe that this rulemaking shouldn't be developed until the proposed rulemaking for Hours of Service has been developed. Supporting documents go hand in hand with Hours of Service and the two should be married. The documents I retain for my self monitoring program may be different if the Hours of Service provision truly gives me the flexibility I need to operate my trucks. There is no reason to develop a program now and have to change it later.

Secondly, the documents you are requiring us to retain are not documents we keep in the ordinary course of business. There are no documents currently for every beginning, intermediate, and end of each trip, each day. Bill of lading are not time stamped, fuelings are not made daily, check calls are not necessarily made daily etc. This proposal would require carriers to create "documents". Additionally, tolls, fuel receipts, and even inspections are notorious for having inaccurate time stampings on the documents, therefore, the information is inaccurate. The cost associated with creating new documents for self monitoring our system, when indeed our Safe-Stat numbers are good, is counter productive and prohibitive.

Finally, there is no provision in the proposal for a mechanism to ensure that the document field inspectors require is indeed random and an accurate measurement for a companies safety program. We need to be insured that sampling will be done randomly and without cause for high producers, accidents, inspection records, etc. These specific cause audits do not accurately reflect a carrier process for safety management.

We are all after improved Highway Safety. I urge you to please hold off rulemaking on safety fitness until Hours of Service proposal rules have been forwarded.

Sincerely,



C. J. McCormick III
President